

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT CLARKSBURG**

GILEAD SCIENCES, INC. and  
EMORY UNIVERSITY,

Plaintiffs,

v.

MYLAN INC. and MYLAN  
PHARMACEUTICALS INC.,

Defendants.

Civil Action No. 1:14-cv-99 (IMK)

**CONSENT MOTION TO AMEND COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15 and Local Rules of Civil Procedure 7.02 and 15.01, Plaintiffs Gilead Sciences, Inc. and Emory University (collectively, “Gilead”) respectfully request leave to file a Second Amended Complaint, which is attached hereto as Exhibit 1. Gilead seeks to amend its complaint a second time to include claims related to U.S. Patent No. 8,716,264 (the “’264 Patent”), which is related to the patents-in-suit and ANDA No. 20-6436. After Gilead filed its First Amended Complaint, Defendants Mylan Inc. and Mylan Pharmaceuticals Inc. (collectively, “Mylan”) provided notice pursuant to 21 U.S.C. § 355(j)(2)(B)(ii) alleging that certain claims of the ’264 Patent are invalid and that the proposed Mylan product covered by ANDA No. 20-6436 would not infringe the ’264 Patent.

Pursuant to prior discussions between the parties, Mylan has consented to this motion. A proposed Order granting Plaintiffs leave to file the Second Amended Complaint is attached hereto as Exhibit 2.

Dated: January 21, 2015

Respectfully submitted,

/s/ Chad L. Taylor

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2015, the foregoing CONSENT MOTION TO AMEND COMPLAINT was served upon the attorneys of record for Defendants Mylan Inc. and Mylan Pharmaceuticals Inc. using the CM/ECF system, which will send notification of the filing to the counsel of record for Mylan Inc. and Mylan Pharmaceuticals Inc.

/s/Chad L. Taylor

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